

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

8/17/2023

LAURA A. AUSTIN, CLERK
BY: s/ CARMEN AMOS
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

ANTHONY SMITH,

Plaintiff,

v.

CENTRA HEALTH, INC., *et al.*,

Defendants.

CASE No. 6:23-cv-00030

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's Motion for Extension of Time to Serve Defendant Wesley Gillespie. Dkt. 9. Plaintiff asserts that an attempt to serve Gillespie at his last known residence was unsuccessful, and on August 15, 2023, Plaintiff learned that Gillespie purportedly no longer resides at that location. In support, Plaintiff attaches an affidavit of a process server, attesting that two attempts were made to serve Gillespie at that address, the first on August 11 (no persons were present), and the second on August 15. At the latter occasion, Gillespie's daughter answered the door, and stated he did not reside at that address and she "could not provide a known address" for him. Dkt. 9-1. Plaintiff's default deadline to effect service is on August 21, 2023. Fed. R. Civ. P. 4(m). Plaintiff seeks an extension of 45-days to locate and serve Gillespie.

Upon consideration of Plaintiff's motion and the information set forth therein, the Court finds that Plaintiff has established that there is good cause to extend the time to serve Gillespie, and also that Plaintiff has established that the extension is warranted as an exercise of the Court's discretion. *See* Fed. R. Civ. P. 4(m); *Gelin v. Shuman*, 35 F.4th 212, 220 (4th Cir. 2022). But at this time, Plaintiff has not established that the full extension requested of 45 days is warranted.

Accordingly, the Court will **GRANT in part** Plaintiff's motion for an extension. Dkt. 9. Plaintiff shall have an additional **thirty (30) days** to serve Gillespie.*

It is so **ORDERED**.

The Clerk of Court is directed to send a copy of this Order to the parties.

Entered this 17th day of August, 2023.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE

* Should Plaintiff's attempts at service upon Gillespie continue to prove unavailing, Plaintiff may in a subsequent motion describe such attempts in support of a further extension request.